

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,) 8:08CR134
vs.)
STEVE HERNANDEZ,)
Defendant.) ORDER

This matter is before the Court on the motion of defendant Steve Hernandez (Hernandez) for a continuance of trial (Filing No. 19). The motion does not comply with NECrimR 12.1 (a) and paragraph 9 of the Progression Order (Filing No. 9) in that the motion is not accompanied by the defendant's affidavit or declaration stating that defendant:

(1) Has been advised by counsel of the reasons for seeking a continuance;
(2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.; and
(3) With this understanding and knowledge, agrees to the filing of the motion.

Accordingly, the motion (Filing No. 19) is :

(X) Held in abeyance pending compliance with NECrimR 12.1(a) and Paragraph 9 of the Progression Order. Absent compliance **on or before April 23, 2008**, the motion will be deemed withdrawn and termed on the docket.

() Denied.

IT IS SO ORDERED.

DATED this 15th day of April, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge